

## Calendar No. 157

111TH CONGRESS  
1ST SESSION**S. 1308****[Report No. 111-73]**

To reauthorize the Maritime Administration, and for other purposes.

## IN THE SENATE OF THE UNITED STATES

JUNE 19, 2009

Mr. LAUTENBERG (for himself, Mrs. HUTCHISON, Mr. ROCKEFELLER, Mr. THUNE, Mr. WICKER, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 9, 2009

Reported by Mr. ROCKEFELLER, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

**A BILL**

To reauthorize the Maritime Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Maritime Administra-  
5 tion Authorization Act of 2010”.

1 **SEC. 2. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EX-**  
 2 **PENSES, AND CONTRACTING AUTHORITY.**

3 Section 109 of title 49, United States Code, is  
 4 amended—

5 (1) by striking the heading for subsection (h)  
 6 and inserting the following:

7 “(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND  
 8 AUDITS.—”;

9 (2) by striking the heading for paragraph (1) of  
 10 subsection (h) and inserting the following:

11 “(1) CONTRACTS AND COOPERATIVE AGREE-  
 12 MENTS.—”;

13 (3) by striking “make contracts” in subsection  
 14 (h)(1) and inserting “make contracts and coopera-  
 15 tive agreements”;

16 (4) by striking “section and” in subsection  
 17 (h)(1)(A) and inserting “section.”;

18 (5) by striking “title 46,” in subsection  
 19 (h)(1)(A) and insert “title 46, and all other Mari-  
 20 time Administration programs;” and

21 (6) by redesignating subsection (i) as subsection  
 22 (j) and inserting after subsection (h) the following:

23 “(i) GRANT ADMINISTRATIVE EXPENSES.—Except as  
 24 otherwise provided by law, the administrative and related  
 25 expenses for the administration of any grant programs by  
 26 the Maritime Administrator may not exceed 3 percent.”.

1 **SEC. 3. USE OF FUNDING FOR DOT MARITIME HERITAGE**  
 2 **PROPERTY.**

3 Section 6(a)(1) of the National Maritime Heritage  
 4 Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by strik-  
 5 ing subparagraph (C) and inserting the following:

6 “(C) The remainder, whether collected be-  
 7 fore or after the date of enactment of the Mari-  
 8 time Administration Authorization Act of 2010,  
 9 shall be available to the Secretary to carry out  
 10 the Program, as provided in subsection (b) of  
 11 this section or, if otherwise determined by the  
 12 Maritime Administrator, for use in the preser-  
 13 vation and presentation to the public of mari-  
 14 time heritage property of the Maritime Admin-  
 15 istration.”.

16 **SEC. 4. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE**  
 17 **MERCHANT MARINE ACADEMY.**

18 The Maritime Administration may use appropriated  
 19 funds to make a lump-sum payment at a rate of pay that  
 20 existed on the date of termination or day before conversion  
 21 to the Civil Service for any unused annual leave accrued  
 22 by a non-appropriated fund instrumentality employee who  
 23 was terminated if determined ineligible for conversion, or  
 24 converted to the Civil Service as a United States Merchant  
 25 Marine Academy employee during fiscal year 2009.

1 **SEC. 5. PERMANENT AUTHORITY TO HIRE ADJUNCT PRO-**  
 2 **FESSORS AT THE MERCHANT MARINE ACAD-**  
 3 **EMY.**

4 (a) IN GENERAL.—Chapter 513 of title 46, United  
 5 States Code, is amended by adding at the end thereof the  
 6 following:

7 **“§ 51317. Adjunct professors**

8 “(a) IN GENERAL.—The Maritime Administrator  
 9 may, subject to the availability of appropriations, contract  
 10 with individuals as personal services contractors to provide  
 11 services as adjunct professors at the United States Mer-  
 12 chant Marine Academy, if the Maritime Administrator de-  
 13 termines that there is a need for adjunct professors and  
 14 the need is not of permanent duration.

15 “(b) CONTRACT REQUIREMENTS.—Each contract  
 16 under this section—

17 “(1) shall be approved by the Maritime Admin-  
 18 istrator; and

19 “(2) shall be for a duration, including options,  
 20 of not to exceed one year unless the Maritime Ad-  
 21 ministration finds that exceptional circumstances  
 22 justify an extension, which may not exceed one addi-  
 23 tional year.

24 “(c) LIMITATION ON NUMBER OF CONTRACTORS.—  
 25 In awarding contracts under this section, the Maritime  
 26 Administrator shall ensure that not more than 25 individ-

1 uals actively provide services in any one academic tri-  
 2 mester, or equivalent, as contractors under subsection (a).

3 “(d) ~~EXISTING CONTRACTS.~~—Any contract entered  
 4 into before the date of enactment of the Maritime Admin-  
 5 istration Authorization Act of 2010 for the services of an  
 6 adjunct professor at the Academy shall remain in effect  
 7 for the trimester (or trimesters) for which the services  
 8 were contracted.”.

9 (b) ~~CONFORMING AMENDMENTS.~~—

10 (1) The table of contents for chapter 513 of  
 11 title 46, United States Code, is amended by adding  
 12 at the end thereof the following:

“51317. Adjunct professors.”.

13 (2) Section 3506 of the Duncan Hunter Na-  
 14 tional Defense Authorization Act for Fiscal Year  
 15 2009 (46 U.S.C. 53101 note) is repealed.

16 **SEC. 6. USE OF MIDSHIPMAN FEES.**

17 Section 51314 of title 46, United States Code, is  
 18 amended—

19 (1) by striking “1994.” in subsection (b) and  
 20 inserting “1994, or for calculators, computers, per-  
 21 sonal and academic supplies, midshipman services  
 22 such as barber, tailor, or laundry services, and U.S.  
 23 Coast Guard license fees.”; and

24 (2) by adding at the end thereof the following:

25 “(e) ~~USE AND ACCOUNTING.~~—

1           “(1) **USE.**—Midshipman fees collected by the  
 2       Academy shall be credited to the Maritime Adminis-  
 3       tration’s Operations and Training appropriations, to  
 4       remain available until expended, for those expenses  
 5       directly related to the purposes of the fees. Fees col-  
 6       lected in excess of actual expenses may be returned  
 7       to the midshipmen through a mechanism approved  
 8       by the Maritime Administrator.

9           “(2) **ACCOUNTING.**—The Maritime Administra-  
 10      tion shall maintain a separate and detailed account-  
 11      ing of fee revenue and all associated expenses.”.

12 **SEC. 7. CONSTRUCTION OF VESSELS IN THE UNITED**  
 13 **STATES POLICY.**

14       Section 50101(a)(4) of title 46, United States Code,  
 15       is amended by inserting “constructed in the United  
 16       States” after “vessels”.

17 **SEC. 8. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.**

18       Section 50302 of title 46, United States Code, is  
 19       amended by adding at the end thereof the following:

20       “(e) **PORT INFRASTRUCTURE DEVELOPMENT PRO-**  
 21 **GRAM.**—

22           “(1) **ESTABLISHMENT OF PROGRAM.**—The Sec-  
 23       retary of Transportation, through the Maritime Ad-  
 24       ministration, shall establish a port infrastructure de-

1       velopment program for the improvement of port fa-  
2       cilities.

3           ~~“(2) AUTHORITY OF THE ADMINISTRATOR.—In~~  
4       order to carry out any program established under  
5       paragraph (1), the Maritime Administrator may—

6           ~~“(A) receive funds provided for the pro-~~  
7       gram from non-Federal and private entities  
8       that have a specific agreement or contract with  
9       the Maritime Administration to further the pur-  
10      poses of this subsection;

11          ~~“(B) coordinate with other Federal agen-~~  
12      cies to expedite the process established under  
13      the National Environmental Policy Act of 1969  
14      (42 U.S.C. 4321 et seq.) for the improvement  
15      of port facilities to relieve port congestion; to  
16      increase port security; or to provide greater ac-  
17      cess to port facilities;

18          ~~“(C) seek to coordinate all reviews or re-~~  
19      quirements with appropriate local, State, and  
20      Federal agencies;

21          ~~“(D) provide such technical assistance to~~  
22      port authorities or commissions or their subdivi-  
23      sions and agents as needed for project plan-  
24      ning, design, and construction; and

1           “(E) encourage such public-private part-  
 2           nerships as may be necessary for the develop-  
 3           ment of financial support of the project as the  
 4           Administrator deems necessary.

5           “(3) PORT INFRASTRUCTURE DEVELOPMENT  
 6           FUND.—

7           “(A) ESTABLISHMENT.—There is a Port  
 8           Infrastructure Development Fund for use by  
 9           the Administrator in carrying out the port in-  
 10          frastructure development program. The Fund  
 11          shall be available to the Administrator—

12                   “(i) to administer and carry out the  
 13                   program;

14                   “(ii) to receive non-Federal and pri-  
 15                   vate funds from entities which have spe-  
 16                   cific agreements or contracts with the Ad-  
 17                   ministrator; and

18                   “(iii) to make refunds for projects  
 19                   that will not be completed.

20           “(B) CREDITS.—There shall be deposited  
 21          into the Fund—

22                   “(i) funds from non-Federal and pri-  
 23                   vate entities which have agreements or  
 24                   contracts with the Administrator and



1           which shall remain in the Fund until ex-  
2           pended;

3           ~~“(ii) income from investments made~~  
4           ~~pursuant to subparagraph (D); and~~

5           ~~“(iii) such amounts as may be appro-~~  
6           ~~riated or transferred to the Fund under~~  
7           ~~this subsection.~~

8           ~~“(C) TRANSFERS.—Amounts appropriated~~  
9           ~~or otherwise made available for any fiscal year~~  
10          ~~for an intermodal or marine facility comprising~~  
11          ~~a component of the program shall be trans-~~  
12          ~~ferred to the Fund and administered by the Ad-~~  
13          ~~ministrator.~~

14          ~~“(D) INVESTMENTS.—Amounts in the~~  
15          ~~Fund which are not currently needed for the~~  
16          ~~program shall be kept on deposit or invested in~~  
17          ~~obligations of, or guaranteed by, the United~~  
18          ~~States.~~

19          ~~“(E) ADMINISTRATIVE EXPENSES.—Ad-~~  
20          ~~ministrative and related expenses for the pro-~~  
21          ~~gram for any fiscal year may not exceed 3 per-~~  
22          ~~cent of the amount available to the program for~~  
23          ~~that fiscal year.~~

24          ~~“(F) AUTHORIZATION OF APPROPRIA-~~  
25          ~~TIONS.—There are authorized to be appro-~~

1           priated to the Fund such sums as may be nec-  
 2           essary to carry out the program, taking into ac-  
 3           count amounts received under subparagraph  
 4           (A)(ii).”.

5   **SEC. 9. REEFS FOR MARINE LIFE CONSERVATION PRO-**  
 6                           **GRAM.**

7           (a) **IN GENERAL.**—Section 3 of Public Law 92–402  
 8   (16 U.S.C. 1220) is amended by adding at the end thereof  
 9   the following:

10          “(d) Any territory, possession, or Commonwealth of  
 11   the United States, and any foreign country, may apply to  
 12   the Secretary for an obsolete vessel to be used for an arti-  
 13   ficial reef under this section. The application process and  
 14   reefing of any such obsolete vessel shall be performed in  
 15   a manner consistent with the process jointly developed by  
 16   the Secretary of Transportation and the Administrator of  
 17   the Environmental Protection Agency under section  
 18   3504(b) of Public Law 107–314 (16 U.S.C. 1220 note).”.

19          (b) **LIMITATION.**—Section 7 of Public Law 92–402  
 20   (16 U.S.C. 1220e–1) is amended by adding at the end  
 21   thereof the following:

22          “(d) **LIMITATION.**—The Secretary may not provide  
 23   assistance under this section to a foreign country to which  
 24   an obsolete ship is transferred under this Act.”.

1 **SEC. 10. STUDENT INCENTIVE PAYMENT AGREEMENTS.**

2 Section 51509(b) of title 46, United States Code, is  
 3 amended by striking “paid before the start of each aca-  
 4 demic year,” and inserting “paid,”.

5 **SEC. 11. UNITED STATES MERCHANT MARINE ACADEMY**  
 6 **GRADUATE PROGRAM RECEIPT, DISBURSE-**  
 7 **MENT, AND ACCOUNTING FOR NON-APPRO-**  
 8 **PRIATED FUNDS.**

9 Section 51309(b) of title 46, United States Code, is  
 10 amended by inserting after “body.” the following: “Non-  
 11 appropriated funds received for this purpose shall be cred-  
 12 ited to the Maritime Administration’s Operations and  
 13 Training appropriation, to remain available until ex-  
 14 pended, for those expenses directly related to the purpose  
 15 of such receipts. The Superintendent shall maintain a sep-  
 16 arate and detailed accounting of non-appropriated fund  
 17 receipts and all associated expenses.”.

18 **SEC. 12. AMERICA’S SHORT SEA TRANSPORTATION GRANTS**  
 19 **FOR THE DEVELOPMENT OF MARINE HIGH-**  
 20 **WAYS.**

21 (a) **IN GENERAL.**—Chapter 556 of title 46, United  
 22 States Code, is amended by redesignating sections 55602  
 23 through 55605 as sections 55603 through 55606 and by  
 24 inserting after section 55601 the following:

1 **“§ 55602. Short sea transportation grant program**

2 “(a) IN GENERAL.—The Secretary of Transportation  
3 shall establish and implement a short sea transportation  
4 grant program.

5 “(b) PURPOSE.—The purposes of the program are to  
6 make grants to States and other public entities and spon-  
7 sors of short sea transportation projects designated by the  
8 Secretary—

9 “(1) to facilitate and support marine transpor-  
10 tation initiatives at the State and local levels to fa-  
11 cilitate commerce, mitigate landside congestion, re-  
12 duce the transportation energy consumption, reduce  
13 harmful emissions, improve safety, assist in environ-  
14 mental mitigation efforts, and improve transpor-  
15 tation system resiliency; and

16 “(2) to provide capital funding to address short  
17 sea transportation infrastructure and freight trans-  
18 portation needs for ports, vessels, and intermodal  
19 cargo facilities.

20 “(c) ELIGIBLE PROJECTS.—To be eligible for a grant  
21 under the program, a project—

22 “(1) shall be designed to help relieve congest-  
23 tion, improve transportation safety, facilitate domes-  
24 tic and international trade, or encourage public-pri-  
25 vate partnerships; and

1           “(2) may include development, modification,  
2           and construction of marine and intermodal cargo fa-  
3           cilities, vessels, port infrastructure and cargo han-  
4           dling equipment, and transfer facilities at ports.

5           “(d) SELECTION PROCESS.—

6           “(1) APPLICATIONS.—A State or other public  
7           entity, or the sponsor of any short sea transpor-  
8           tation project designated by the Secretary under the  
9           America’s Marine Highway Program (MARAD  
10          Docket No. 2008–0096; 73 FR 59530), may submit  
11          an application to Secretary for a grant under the  
12          short sea transportation grant program. The appli-  
13          cation shall contain such information and assurances  
14          as the Secretary may require.

15          “(2) PRIORITY.—In selecting projects for  
16          grants, the Secretary shall give priority to projects  
17          that are consistent with the objectives of the short  
18          sea transportation initiative and America’s Marine  
19          Highway Program that will—

20               “(A) mitigate landside congestion;

21               “(B) provide the greatest public benefit in  
22               energy savings, reduced emissions, improved  
23               system resiliency, and improved safety;

24               “(C) include and demonstrate the greatest  
25               environmental responsibility; and

1           ~~“(D) provide savings as an alternative to~~  
 2           ~~or means to avoid highway or rail transpor-~~  
 3           ~~tation infrastructure construction and mainte-~~  
 4           ~~nance.~~

5           ~~“(e) USE OF GRANT FUNDS.—Funds made available~~  
 6           ~~to a recipient of a grant under this section shall be used~~  
 7           ~~by the recipient for the project described in the application~~  
 8           ~~of the recipient approved by the Secretary.”.~~

9           ~~(b) CLERICAL AMENDMENT.—The table of contents~~  
 10          ~~for chapter 556 of title 46, United States Code, is amend-~~  
 11          ~~ed—~~

12           ~~(1) by redesignating the items relating to sec-~~  
 13          ~~tions 55602 through 55605 as relating to section~~  
 14          ~~55603 through 55606; and~~

15           ~~(2) by inserting after the item relating to sec-~~  
 16          ~~tion 55601 the following:~~

~~“55602. Short sea transportation grant program.”.~~

17       **SEC. 13. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**  
 18                               **CAL YEAR 2010.**

19           ~~(a) IN GENERAL.—There are authorized to be appro-~~  
 20          ~~priated to the Secretary of Transportation, for the use of~~  
 21          ~~the Maritime Administration, for fiscal year 2010 the fol-~~  
 22          ~~lowing amounts:~~

23           ~~(1) For expenses necessary for operations and~~  
 24          ~~training activities, \$152,900,000, of which—~~

1           (A) \$74,448,000 shall remain available  
 2           until expended for expenses at the United  
 3           States Merchant Marine Academy, of which  
 4           \$15,391,000 shall be available for the capital  
 5           improvement program; and

6           (B) \$11,240,000 which shall remain avail-  
 7           able until expended for maintenance and repair  
 8           of school ships at the State Maritime Acad-  
 9           emies.

10          (2) For expenses to maintain and preserve a  
 11          United States-flag merchant fleet to serve the na-  
 12          tional security needs of the United States under  
 13          chapter 531 of title 46, United States Code,  
 14          \$174,000,000.

15          (3) For paying reimbursement under section  
 16          3517 of the Maritime Security Act of 2003 (46  
 17          U.S.C. 53101 note), \$19,500,000.

18          (4) For expenses to dispose of obsolete vessels  
 19          in the National Defense Reserve Fleet, including  
 20          provision of assistance under section 7 of Public  
 21          Law 92-402, \$15,000,000.

22          (5) For the cost (as defined in section 502(5)  
 23          of the Federal Credit Reform Act of 1990 (2 U.S.C.  
 24          661a(5))) of loan guarantees under the program au-

1       thorized by chapter 537 of title 46, United States  
2       Code, \$30,000,000.

3           (6) For administrative expenses related to the  
4       implementation of the loan guarantee program  
5       under chapter 537 of title 46, United States Code,  
6       administrative expenses related to implementation of  
7       the reimbursement program under section 3517 of  
8       the Maritime Security Act of 2003 (46 U.S.C.  
9       53101 note); and administrative expenses related to  
10      the implementation of the small shipyards and mari-  
11      time communities assistance program under section  
12      54101 of title 46, United States Code, \$6,000,000.

13      (b) AVAILABILITY.—Amounts appropriated pursuant  
14   to subsection (a) shall remain available, as provided in ap-  
15   propriations Acts, until expended.

16   **SECTION 1. SHORT TITLE.**

17       *This Act may be cited as the “Maritime Administra-*  
18   *tion Authorization Act of 2010”.*

19   **SEC. 2. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EX-**  
20       **PENSES, AND CONTRACTING AUTHORITY.**

21       *Section 109 of title 49, United States Code, is amend-*  
22   *ed—*

23           (1) *by striking the heading for subsection (h)*  
24   *and inserting the following:*



1       “(h) *CONTRACTS, COOPERATIVE AGREEMENTS, AND*  
2 *AUDITS.—*”;

3           (2) *by striking the heading for paragraph (1) of*  
4 *subsection (h) and inserting the following:*

5           “(1) *CONTRACTS AND COOPERATIVE AGREE-*  
6 *MENTS.—*”;

7           (3) *by striking “make contracts” in subsection*  
8 *(h)(1) and inserting “make contracts and cooperative*  
9 *agreements”;*

10          (4) *by striking “section and” in subsection*  
11 *(h)(1)(A) and inserting “section,”;*

12          (5) *by striking “title 46;” in subsection (h)(1)(A)*  
13 *and insert “title 46, and all other Maritime Adminis-*  
14 *tration programs;”; and*

15          (6) *by redesignating subsection (i) as subsection*  
16 *(j) and inserting after subsection (h) the following:*

17          “(i) *GRANT ADMINISTRATIVE EXPENSES.—Except as*  
18 *otherwise provided by law, the administrative and related*  
19 *expenses for the administration of any grant programs by*  
20 *the Maritime Administrator may not exceed 3 percent.”.*

21 **SEC. 3. USE OF FUNDING FOR DOT MARITIME HERITAGE**  
22 **PROPERTY.**

23          *Section 6(a)(1) of the National Maritime Heritage Act*  
24 *of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking sub-*  
25 *paragraph (C) and inserting the following:*

1           “(C) *The remainder, whether collected before*  
 2           *or after the date of enactment of the Maritime*  
 3           *Administration Authorization Act of 2010, shall*  
 4           *be available to the Secretary to carry out the*  
 5           *Program, as provided in subsection (b) of this*  
 6           *section or, if otherwise determined by the Mari-*  
 7           *time Administrator, for use in the preservation*  
 8           *and presentation to the public of maritime herit-*  
 9           *age property of the Maritime Administration.”.*

10 **SEC. 4. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE**  
 11 **MERCHANT MARINE ACADEMY.**

12           *The Maritime Administration may use appropriated*  
 13 *funds to make a lump-sum payment at a rate of pay that*  
 14 *existed on the date of termination or day before conversion*  
 15 *to the Civil Service for any unused annual leave accrued*  
 16 *by a non-appropriated fund instrumentality employee who*  
 17 *was terminated if determined ineligible for conversion, or*  
 18 *converted to the Civil Service as a United States Merchant*  
 19 *Marine Academy employee during fiscal year 2009.*

20 **SEC. 5. PERMANENT AUTHORITY TO HIRE ADJUNCT PRO-**  
 21 **FESSORS AT THE MERCHANT MARINE ACADEMY.**  
 22 **EMY.**

23           *(a) IN GENERAL.—Chapter 513 of title 46, United*  
 24 *States Code, is amended by adding at the end thereof the*  
 25 *following:*

1   **“§ 51317. Adjunct professors**

2           “(a) *IN GENERAL.*—*The Maritime Administrator*  
 3   *may, subject to the availability of appropriations, contract*  
 4   *with individuals as personal services contractors to provide*  
 5   *services as adjunct professors at the United States Merchant*  
 6   *Marine Academy, if the Maritime Administrator deter-*  
 7   *mines that there is a need for adjunct professors and the*  
 8   *need is not of permanent duration.*

9           “(b) *CONTRACT REQUIREMENTS.*—*Each contract*  
 10   *under this section—*

11                 “(1) *shall be approved by the Maritime Adminis-*  
 12   *trator; and*

13                 “(2) *shall be for a duration, including options,*  
 14   *of not to exceed one year unless the Maritime Admin-*  
 15   *istration finds that exceptional circumstances justify*  
 16   *an extension, which may not exceed one additional*  
 17   *year.*

18           “(c) *LIMITATION ON NUMBER OF CONTRACTORS.*—*In*  
 19   *awarding contracts under this section, the Maritime Ad-*  
 20   *ministrator shall ensure that not more than 25 individuals*  
 21   *actively provide services in any one academic trimester, or*  
 22   *equivalent, as contractors under subsection (a).*

23           “(d) *EXISTING CONTRACTS.*—*Any contract entered*  
 24   *into before the date of enactment of the Maritime Adminis-*  
 25   *tration Authorization Act of 2010 for the services of an ad-*  
 26    *adjunct professor at the Academy shall remain in effect for*

1 *the trimester (or trimesters) for which the services were con-*  
 2 *tracted.”.*

3 *(b) CONFORMING AMENDMENTS.—*

4 *(1) The table of contents for chapter 513 of title*  
 5 *46, United States Code, is amended by adding at the*  
 6 *end thereof the following:*

*“51317. Adjunct professors.”.*

7 *(2) Section 3506 of the Duncan Hunter National*  
 8 *Defense Authorization Act for Fiscal Year 2009 (46*  
 9 *U.S.C. 53101 note) is repealed.*

10 **SEC. 6. USE OF MIDSHIPMAN FEES.**

11 *Section 51314 of title 46, United States Code, is*  
 12 *amended—*

13 *(1) by striking “1994.” in subsection (b) and in-*  
 14 *serting “1994, or for calculators, computers, personal*  
 15 *and academic supplies, midshipman services such as*  
 16 *barber, tailor, or laundry services, and U.S. Coast*  
 17 *Guard license fees.”; and*

18 *(2) by adding at the end thereof the following:*

19 *“(c) USE AND ACCOUNTING.—*

20 *“(1) USE.—Midshipman fees collected by the*  
 21 *Academy shall be credited to the Maritime Adminis-*  
 22 *tration’s Operations and Training appropriations, to*  
 23 *remain available until expended, for those expenses*  
 24 *directly related to the purposes of the fees. Fees col-*  
 25 *lected in excess of actual expenses may be returned to*

1       *the midshipmen through a mechanism approved by*  
 2       *the Maritime Administrator.*

3               “(2) *ACCOUNTING.—The Maritime Administra-*  
 4       *tion shall maintain a separate and detailed account-*  
 5       *ing of fee revenue and all associated expenses.”.*

6   **SEC. 7. CONSTRUCTION OF VESSELS IN THE UNITED**  
 7               **STATES POLICY.**

8       *Section 50101(a)(4) of title 46, United States Code,*  
 9       *is amended by inserting “constructed in the United States”*  
 10       *after “vessels”.*

11   **SEC. 8. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.**

12       *Section 50302 of title 46, United States Code, is*  
 13       *amended by adding at the end thereof the following:*

14       “(c) *PORT INFRASTRUCTURE DEVELOPMENT PRO-*  
 15       *GRAM.—*

16               “(1) *ESTABLISHMENT OF PROGRAM.—The Sec-*  
 17       *retary of Transportation, through the Maritime Ad-*  
 18       *ministration, shall establish a port infrastructure de-*  
 19       *velopment program for the improvement of port fa-*  
 20       *cilities.*

21               “(2) *AUTHORITY OF THE ADMINISTRATOR.—In*  
 22       *order to carry out any program established under*  
 23       *paragraph (1), the Maritime Administrator may—*

24               “(A) *receive funds provided for the program*  
 25       *from non-Federal and private entities that have*

1        *a specific agreement or contract with the Mari-*  
 2        *time Administration to further the purposes of*  
 3        *this subsection;*

4                *“(B) coordinate with other Federal agencies*  
 5        *to expedite the process established under the Na-*  
 6        *tional Environmental Policy Act of 1969 (42*  
 7        *U.S.C. 4321 et seq.) for the improvement of port*  
 8        *facilities to relieve port congestion, to increase*  
 9        *port security, or to provide greater access to port*  
 10       *facilities;*

11               *“(C) seek to coordinate all reviews or re-*  
 12       *quirements with appropriate local, State, and*  
 13       *Federal agencies;*

14               *“(D) provide such technical assistance to*  
 15       *port authorities or commissions or their subdivi-*  
 16       *sions and agents as needed for project planning,*  
 17       *design, and construction; and*

18               *“(E) encourage such public-private partner-*  
 19       *ships as may be necessary for the development of*  
 20       *financial support of the project as the Adminis-*  
 21       *trator deems necessary.*

22               *“(3) PORT INFRASTRUCTURE DEVELOPMENT*  
 23       *FUND.—*

24               *“(A) ESTABLISHMENT.—There is a Port In-*  
 25       *frastructure Development Fund for use by the*

1        *Administrator in carrying out the port infra-*  
 2        *structure development program. The Fund shall*  
 3        *be available to the Administrator—*

4                *“(i) to administer and carry out the*  
 5                *program;*

6                *“(ii) to receive non-Federal and pri-*  
 7                *vate funds from entities which have specific*  
 8                *agreements or contracts with the Adminis-*  
 9                *trator; and*

10               *“(iii) to make refunds for projects that*  
 11               *will not be completed.*

12               *“(B) CREDITS.—There shall be deposited*  
 13               *into the Fund—*

14               *“(i) funds from non-Federal and pri-*  
 15               *vate entities which have agreements or con-*  
 16               *tracts with the Administrator and which*  
 17               *shall remain in the Fund until expended;*

18               *“(ii) income from investments made*  
 19               *pursuant to subparagraph (D); and*

20               *“(iii) such amounts as may be appro-*  
 21               *priated or transferred to the Fund under*  
 22               *this subsection.*

23               *“(C) TRANSFERS.—Amounts appropriated*  
 24               *or otherwise made available for any fiscal year*  
 25               *for an intermodal or marine facility comprising*

1        *a component of the program shall be transferred*  
 2        *to the Fund and administered by the Adminis-*  
 3        *trator.*

4                “(D) *INVESTMENTS.*—*Amounts in the Fund*  
 5        *which are not currently needed for the program*  
 6        *shall be kept on deposit or invested in obligations*  
 7        *of, or guaranteed by, the United States.*

8                “(E) *ADMINISTRATIVE EXPENSES.*—*Admin-*  
 9        *istrative and related expenses for the program*  
 10        *for any fiscal year may not exceed 3 percent of*  
 11        *the amount available to the program for that fis-*  
 12        *cal year.*

13                “(F) *AUTHORIZATION OF APPROPRIA-*  
 14        *TIONS.*—*There are authorized to be appropriated*  
 15        *to the Fund such sums as may be necessary to*  
 16        *carry out the program, taking into account*  
 17        *amounts received under subparagraph (A)(ii).”.*

18    **SEC. 9. REEFS FOR MARINE LIFE CONSERVATION PRO-**  
 19        **GRAM.**

20        (a) *IN GENERAL.*—*Section 3 of Public Law 92–402*  
 21        *(16 U.S.C. 1220) is amended by adding at the end thereof*  
 22        *the following:*

23                “(d) *Any territory, possession, or Commonwealth of*  
 24        *the United States, and any foreign country, may apply to*  
 25        *the Secretary for an obsolete vessel to be used for an artifi-*



1 cial reef under this section. The application process and  
 2 reefing of any such obsolete vessel shall be performed in a  
 3 manner consistent with the process jointly developed by the  
 4 Secretary of Transportation and the Administrator of the  
 5 Environmental Protection Agency under section 3504(b) of  
 6 Public Law 107–314 (16 U.S.C. 1220 note).”.

7 (b) *LIMITATION.*—Section 7 of Public Law 92–402 (16  
 8 U.S.C. 1220c–1) is amended by adding at the end thereof  
 9 the following:

10 “(d) *LIMITATION.*—The Secretary may not provide as-  
 11 sistance under this section to a foreign country to which  
 12 an obsolete ship is transferred under this Act.”.

13 **SEC. 10. STUDENT INCENTIVE PAYMENT AGREEMENTS.**

14 Section 51509(b) of title 46, United States Code, is  
 15 amended by striking “paid before the start of each academic  
 16 year,” and inserting “paid,”.

17 **SEC. 11. UNITED STATES MERCHANT MARINE ACADEMY**  
 18 **GRADUATE PROGRAM RECEIPT, DISBURSE-**  
 19 **MENT, AND ACCOUNTING FOR NON-APPRO-**  
 20 **PRIATED FUNDS.**

21 Section 51309(b) of title 46, United States Code, is  
 22 amended by inserting after “body.” the following: “Non-ap-  
 23 propriated funds received for this purpose shall be credited  
 24 to the Maritime Administration’s Operations and Training  
 25 appropriation, to remain available until expended, for those

1 *expenses directly related to the purpose of such receipts. The*  
 2 *Superintendent shall maintain a separate and detailed ac-*  
 3 *counting of non-appropriated fund receipts and all associ-*  
 4 *ated expenses.”.*

5 **SEC. 12. AMERICA’S SHORT SEA TRANSPORTATION GRANTS**  
 6 **FOR THE DEVELOPMENT OF MARINE HIGH-**  
 7 **WAYS.**

8 *(a) IN GENERAL.—Chapter 556 of title 46, United*  
 9 *States Code, is amended by redesignating sections 55602*  
 10 *through 55605 as sections 55603 through 55606 and by in-*  
 11 *serting after section 55601 the following:*

12 **“§ 55602. Short sea transportation grant program**

13 *“(a) IN GENERAL.—The Secretary of Transportation*  
 14 *shall establish and implement a short sea transportation*  
 15 *grant program.*

16 *“(b) PURPOSE.—The purposes of the program are to*  
 17 *make grants to States and other public entities and spon-*  
 18 *sors of short sea transportation projects designated by the*  
 19 *Secretary—*

20 *“(1) to facilitate and support marine transpor-*  
 21 *tation initiatives at the State and local levels to fa-*  
 22 *cilitate commerce, mitigate landside congestion, re-*  
 23 *duce the transportation energy consumption, reduce*  
 24 *harmful emissions, improve safety, assist in environ-*

1        *mental mitigation efforts, and improve transportation*  
 2        *system resiliency; and*

3                *“(2) to provide capital funding to address short*  
 4        *sea transportation infrastructure and freight trans-*  
 5        *portation needs for ports, vessels, and intermodal*  
 6        *cargo facilities.*

7        *“(c) ELIGIBLE PROJECTS.—To be eligible for a grant*  
 8        *under the program, a project—*

9                *“(1) shall be designed to help relieve congestion,*  
 10        *improve transportation safety, facilitate domestic and*  
 11        *international trade, or encourage public-private part-*  
 12        *nerships; and*

13                *“(2) may include development, modification, and*  
 14        *construction of marine and intermodal cargo facili-*  
 15        *ties, vessels, port infrastructure and cargo handling*  
 16        *equipment, and transfer facilities at ports.*

17        *“(d) SELECTION PROCESS.—*

18                *“(1) APPLICATIONS.—A State or other public en-*  
 19        *tity, or the sponsor of any short sea transportation*  
 20        *project designated by the Secretary under the Amer-*  
 21        *ica’s Marine Highway Program (MARAD Docket No.*  
 22        *2008–0096; 73 FR 59530), may submit an applica-*  
 23        *tion to Secretary for a grant under the short sea*  
 24        *transportation grant program. The application shall*

1       *contain such information and assurances as the Sec-*  
 2       *retary may require.*

3               “(2) *PRIORITY.—In selecting projects for grants,*  
 4       *the Secretary shall give priority to projects that are*  
 5       *consistent with the objectives of the short sea transpor-*  
 6       *tation initiative and America’s Marine Highway*  
 7       *Program that will—*

8                       “(A) *mitigate landside congestion;*

9                       “(B) *provide the greatest public benefit in*  
 10       *energy savings, reduced emissions, improved sys-*  
 11       *tem resiliency, and improved safety;*

12                      “(C) *include and demonstrate the greatest*  
 13       *environmental responsibility; and*

14                      “(D) *provide savings as an alternative to or*  
 15       *means to avoid highway or rail transportation*  
 16       *infrastructure construction and maintenance.*

17       “(e) *USE OF GRANT FUNDS.—Funds made available*  
 18       *to a recipient of a grant under this section shall be used*  
 19       *by the recipient for the project described in the application*  
 20       *of the recipient approved by the Secretary.”.*

21       (b) *CLERICAL AMENDMENT.—The table of contents for*  
 22       *chapter 556 of title 46, United States Code, is amended—*

23               (1) *by redesignating the items relating to sec-*  
 24       *tions 55602 through 55605 as relating to section*  
 25       *55603 through 55606; and*

1           (2) *by inserting after the item relating to section*  
 2           55601 *the following:*

*“55602. Short sea transportation grant program.”.*

3   **SEC. 13. EXPANSION OF THE MARINE VIEW SYSTEM.**

4           (a) *DEFINITIONS.—In this section:*

5               (1) *MARINE TRANSPORTATION SYSTEM.—The*  
 6               *term “marine transportation system” means the navi-*  
 7               *gable water transportation system of the United*  
 8               *States, including the vessels, ports (and intermodal*  
 9               *connections thereto), and shipyards and other vessel*  
 10              *repair facilities that are components of that system.*

11             (2) *MARINE VIEW SYSTEM.—The term “Marine*  
 12             *View system” means the information system of the*  
 13             *Maritime Administration known as Marine View.*

14           (b) *FINDINGS.—Congress finds the following:*

15               (1) *Information regarding the marine transpor-*  
 16               *tation system is comprised of information from the*  
 17               *Government of the United States and from commer-*  
 18               *cial sources.*

19               (2) *Marine transportation system information*  
 20               *includes information regarding waterways, bridges,*  
 21               *locks, dams, and all intermodal components that are*  
 22               *dependent on maritime transportation and accurate*  
 23               *information regarding marine transportation is crit-*  
 24               *ical to the health of the United States economy.*

1           (3) Numerous challenges face the marine trans-  
2           portation system, including projected growth in cargo  
3           volumes, international competition, complexity, co-  
4           operation, and the need for improved efficiency.

5           (4) There are deficiencies in the current informa-  
6           tion environment of the marine transportation sys-  
7           tem, including the inability to model the entire ma-  
8           rine transportation system to address capacity plan-  
9           ning, disaster planning, and disaster recovery.

10          (5) The current information environment of the  
11          marine transportation system contains multiple  
12          unique systems that are duplicative, not integrated,  
13          not able to be shared, not secure, or that have little  
14          structured privacy protections, not protected from loss  
15          or destruction, and will not be available when needed.

16          (6) There is a lack of system-wide information  
17          views in the marine transportation system.

18          (7) The Administrator of the Maritime Adminis-  
19          tration is uniquely positioned to develop and execute  
20          the role of marine transportation system information  
21          advocate, to serve as the focal point for marine trans-  
22          portation system information management, and to  
23          provide a robust information infrastructure to iden-  
24          tify, collect, secure, protect, store, and deliver critical

1        *information regarding the marine transportation sys-*  
2        *tem.*

3        *(c) PURPOSES.—The purposes of this section are—*

4                *(1) to expand the Marine View system; and*

5                *(2) to provide support for the strategic require-*  
6        *ments of the marine transportation system and its*  
7        *contribution to the economic viability of the United*  
8        *States.*

9        *(d) EXPANSION OF MARINE VIEW SYSTEM.—To ac-*  
10       *complish the purposes of this section, the Secretary of*  
11       *Transportation shall expand the Marine View system so*  
12       *that such system is able to identify, collect, integrate, secure,*  
13       *protect, store, and securely distribute throughout the marine*  
14       *transportation system information that—*

15                *(1) provides access to many disparate marine*  
16        *transportation system data sources;*

17                *(2) enables a system-wide view of the marine*  
18        *transportation system;*

19                *(3) fosters partnerships between the Government*  
20        *of the United States and private entities;*

21                *(4) facilitates accurate and efficient modeling of*  
22        *the entire marine transportation system environment;*

23                *(5) monitors and tracks threats to the marine*  
24        *transportation system, including areas of severe*  
25        *weather or reported piracy; and*

1           (6) *provides vessel tracking and rerouting, as ap-*  
 2           *propriate, to ensure that the economic viability of the*  
 3           *United States waterways is maintained.*

4           (e) *AGREEMENTS AND CONTRACTS.—The Adminis-*  
 5           *trator of the Maritime Administration may enter into coop-*  
 6           *erative agreements, partnerships, contracts, or other agree-*  
 7           *ments with industry or other Federal agencies to carry out*  
 8           *this section.*

9           (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 10          *authorized to be appropriated \$10,000,000 for each of fiscal*  
 11          *years 2010 through 2013 to carry out this section.*

12       **SEC. 14. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL**  
 13                               **YEAR 2010.**

14          (a) *IN GENERAL.—There are authorized to be appro-*  
 15          *priated to the Secretary of Transportation, for the use of*  
 16          *the Maritime Administration, for fiscal year 2010 the fol-*  
 17          *lowing amounts:*

18               (1) *For expenses necessary for operations and*  
 19               *training activities, \$152,900,000, of which—*

20                       (A) *\$74,448,000 shall remain available*  
 21                       *until expended for expenses at the United States*  
 22                       *Merchant Marine Academy, of which*  
 23                       *\$15,391,000 shall be available for the capital im-*  
 24                       *provement program; and*



1           (B) \$11,240,000 which shall remain avail-  
2           able until expended for maintenance and repair  
3           of school ships at the State Maritime Academies.

4           (2) For expenses to maintain and preserve a  
5           United States-flag merchant fleet to serve the national  
6           security needs of the United States under chapter 531  
7           of title 46, United States Code, \$174,000,000.

8           (3) For paying reimbursement under section  
9           3517 of the Maritime Security Act of 2003 (46 U.S.C.  
10          53101 note), \$19,500,000.

11          (4) For expenses to dispose of obsolete vessels in  
12          the National Defense Reserve Fleet, including provi-  
13          sion of assistance under section 7 of Public Law 92-  
14          402, \$15,000,000.

15          (5) For the cost (as defined in section 502(5) of  
16          the Federal Credit Reform Act of 1990 (2 U.S.C.  
17          661a(5))) of loan guarantees under the program au-  
18          thorized by chapter 537 of title 46, United States  
19          Code, \$30,000,000.

20          (6) For administrative expenses related to the  
21          implementation of the loan guarantee program under  
22          chapter 537 of title 46, United States Code, adminis-  
23          trative expenses related to implementation of the re-  
24          imbursement program under section 3517 of the Mar-  
25          itime Security Act of 2003 (46 U.S.C. 53101 note),

1       *and administrative expenses related to the implemen-*  
2       *tation of the small shipyards and maritime commu-*  
3       *nities assistance program under section 54101 of title*  
4       *46, United States Code, \$6,000,000.*

5       *(b) AVAILABILITY.—Amounts appropriated pursuant*  
6       *to subsection (a) shall remain available, as provided in ap-*  
7       *propriations Acts, until expended.*



Calendar No. 157

11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1308**

[Report No. 111-73]

**A BILL**

To reauthorize the Maritime Administration, and  
for other purposes.

SEPTEMBER 9, 2009

Reported with an amendment